

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-19535 AND MAP NUMBER 19985

WATER DIVISION 2-A

BACKGROUND

1. On June 5, 2017, Bernard J. Glos, Office Manager, Twin Loups Reclamation District, filed in the Department of Natural Resources (Department) application A-19535 for a Permit to Appropriate Water.
2. On June 26, 2017, Bernard J. Glos filed in the Department map number 19985 showing land proposed to be irrigated under application A-19535.
3. Application A-19535 is not an expansion of surface water irrigated acres because it will provide additional water from Davis Creek Reservoir to lands covered under application A-19536. Therefore, A-19535 is not subject to the Lower Loup Natural Resources District Integrated Management Plan.
4. Construction has been completed.

ORDER

IT IS HEREBY ORDERED that application A-19535 and map number 19985 are APPROVED subject to the following limitations and conditions:

1. The following land is authorized to be irrigated (appurtenant land) under surface water appropriation A-19535 as depicted on map number 19885 which is made a part of this Order.

Township 15 North, Range 09 West of the
6th P.M. in Howard County Acres

Section 07: NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 11.0

Township 15 North, Range 08 West of the
6th P.M. in Merrick County Acres

Section 07: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.5

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22.2

TOTAL 34.7

2. Appropriation A-19535 has a priority date of June 5, 2017, and authorizes the appropriator the use of 104.1 acre-feet annually from Davis Creek Reservoir (storage appropriation A-9518R and supplemental storage appropriations A-15090 and A-15091) from a point of diversion located at the headgate of the Fullerton Canal in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 17 North, Range 12 West of the 6th P.M. in Greeley County.
3. The appropriations for storage in Davis Creek Reservoir are:

Appropriation Number	Priority Date	Source	Use	Grant in Acre-feet	Acre-Feet Available for Irrigation Use
A-9518R	6/17/1957	Calamus River	ST	26,000.0	25,720.0 ¹
A-15090	8/24/1977	North Loup River	SS	32,459.0	32,459.0
A-15091	8/24/1977	Calamus River	SS	6,459.0	6,459.0
				Total	64,638.0

4. The irrigation appropriations from Davis Creek Reservoir storage appropriations are:

Appropriation Number	Priority Date	Source	Use	Acres	Grant in Acre-feet
A-17105	8/28/1991	Davis Creek Reservoir	SI ²	12,005.0	36,015.0
A-18291	3/18/2005	Davis Creek Reservoir	SI	8,833.4	26,500.2
A-18394	4/25/2006	Davis Creek Reservoir	SI	65.4	196.2
A-19426	3/25/2016	Davis Creek Reservoir	SO ³	38.4	115.2
A-19473	10/11/2016	Davis Creek Reservoir	SO	19.3	57.9
A-19535	06/05/2017	Davis Creek Reservoir	SO	34.7	104.1
				Total	62,988.6

¹ Water available for storage use under A-9518R; 26,000 acre-feet (af) less 131 af dead storage, less 149 af inactive storage equals 25,720 af.

² SI Supplemental Irrigation. Irrigation from a reservoir for lands also covered by a natural flow permit. Land under these appropriations may also receive water from Calamus Reservoir, Davis Creek Reservoir, the Calamus and North Loup Rivers; and, the total volumes of all diversions are not to exceed three acre-feet per acre irrigated per annum.

³ SO Storage Only. Irrigation from storage water only.

5. The amount of water diverted under A-17105, A-18291, A-18394, A-19426 A-19473 and A-19535 shall not exceed a total maximum volume of 3 acre-feet per acre irrigated per annum, less any amounts diverted under any other appropriations, measured at the location of diversion via the Fullerton and Elba Canals, from Davis Creek Reservoir in the NW¼SW¼ of Section 30, Township 17 North, Range 12 West of the 6th P.M. in Greeley County; nor exceed the least amount of water necessary for the production of crops in the exercise of good husbandry.
6. Appropriation A-19535 will be limited to the land irrigated and the amount of water beneficially used on an annual basis. Such amount shall not exceed 104.1 acre-feet per annum.
7. Only the land shown on map number 19985 may be irrigated under appropriation A-19535.
8. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Receiving approval prior to taking any action that changes the location of the point of diversion, a transfer of the location of the place of use, a relinquishment of a portion of the appropriation, the type of use, or the type of appropriation.
 - B. Notify the Department of Natural Resources of any reassignment of relinquished portions of an appropriation.
 - C. Comply with all relevant notices and orders of the Department.
9. The appropriator must comply with the following deadlines:
 - A. The appropriation is not considered perfected until water has been beneficially applied for the purpose stated in this approval. The water appropriated under A-19535 must be beneficially used by September 1, 2020.
 - B. After September 1, 2020, a field investigation will be conducted to determine the acres irrigated, after which an order of cancellation will be issued for any unused portions of appropriation A-19535.


ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

DEPARTMENT OF NATURAL RESOURCES

August 24, 2017


Gordon W. Fassett, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this order may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department's *Rules of Practice and Procedure Title 454 Admin. Code Chapter 7*. The request must be received by the Department at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19985 were provided to the Department's field office in Ord, Nebraska. Copies of this Order, map number 19985 and Surface Water Administration brochure were mailed on August 24, 2017, to the following:

Mike Wells, Manager
Twin Loups Reclamation District
P.O. Box 98
Scotia, Nebraska 68875

Aaron M. Thompson, Area Manager
Bureau of Reclamation
1706 West 3rd Street
McCook, Nebraska 69001

Twin Loups Irrigation District
P.O. Box 98
Scotia, Nebraska 68875-0098